

EXHIBIT 3

CONFIDENTIAL

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF WYOMING

3 ALODIE GOODEN, AS)
4 WRONGFUL DEATH)
5 REPRESENTATIVE OF THE) CIVIL ACTION
6 ESTATE OF TANYA GOODEN) NO. 15-CV-45
7 AND CAMERON GOODEN,)
8)
9)
10)
11)
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)

PLAINTIFF,

V.

BRIDGESTONE AMERICAS)
TIRE OPERATIONS LLC; FED)
EX GROUND PACKAGE)
SYSTEM, INC., AND JOHN)
DOE)
CORPORATIONS/ENTITIES)
1-3,)
DEFENDANTS.)
GINA CUBILLOS, AS)
WRONGFUL DEATH)
REPRESENTATIVE OF THE)
ESTATE OF JAMES EDNIE,)
CIVIL ACTION
NO. 15-CV-50

DEFENDANTS.

GINA CUBILLOS, AS)
WRONGFUL DEATH)
REPRESENTATIVE OF THE)
ESTATE OF JAMES EDNIE,)
CIVIL ACTION
NO. 15-CV-50

V.

BRIDGESTONE AMERICAS)
TIRE OPERATIONS LLC; FED)
EX GROUND PACKAGE)
SYSTEM, INC., AND JOHN)
DOE)
CORPORATIONS/ENTITIES)
1-3.)
DEFENDANTS.)
VIDEOTAPED DEPOSITION OF: JAMES KIRIAZES
TAKEN ON BEHALF OF THE DEFENDANT FED EX GROUND
MARCH 28, 2016 NASHVILLE, TENNESSEE
ATKINSON-BAKER, INC.
COURT REPORTERS
ABI JOB NO. AA02784
800-288-3376 JENNIFER HAYNIE, LCR NO. 403

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1 Videotaped deposition of JAMES
2 KIRIAZES, taken on behalf of Defendant Fed Ex
3 Ground, on the 28th day of March, 2016,
4 commencing at 9:13 a.m., in the offices of Regus
5 Business Center, 424 Church Street, Suite 2000,
6 Nashville, Tennessee, for all purposes under the
7 Wyoming Rules of Civil Procedure.
8 The formalities as to notice,
9 caption, certificate, et cetera, are waived.
10 All objections, except as to the form of the
11 questions, are reserved to the hearing.
12 It is agreed that Jennifer Haynie,
13 being a Notary Public and Court Reporter for the
14 State of Tennessee, may swear the witness, and
15 that the reading and signing of the completed
16 deposition by the witness are reserved.
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18 * * *
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23
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25

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1 THE VIDEOGRAPHER: This is the 09:13
2 beginning of Disc 1 of the deposition of James 09:13
3 Kiriazes. 09:13
4 THE WITNESS: Yes, sir. 09:13
5 THE VIDEOGRAPHER: Today's date is 09:13
6 March the 28th, 2016. The time indicated on the 09:14
7 video screen is 9:14. The standard introduction 09:14
8 has been waived by agreement. The court 09:14
9 reporter will now swear in the witness. 09:14
10 JAMES KIRIAZES, 09:14
11 was called as a witness on March 28, 2016 09:14
12 and after having been duly sworn, testified as 09:14
13 follows under oath: 09:14
14 EXAMINATION 09:14
15 BY MR. KAPP: 09:14
16 Q. Good morning, sir. 09:14
17 A. Good morning. 09:14
18 Q. We have been talking and chatting before 09:14
19 we got on the record, but I'm going to do it 09:14
20 formally. Again, my name is Paul Kapp and I'm 09:14
21 here with Stephanie Solomon on behalf of FedEx 09:14
22 Ground Package Services. We're here to take 09:14
23 your deposition. I figure by now, you probably 09:14
24 got that message; is that right? 09:14
25 A. Yes, sir. 09:14

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<p>1 Ecopia, either the 14 or the 16 ply? 09:37</p> <p>2 A. Do I know who designed the line of tires? 09:37</p> <p>3 Q. Yeah. 09:37</p> <p>4 A. The name that I have associated with it 09:37</p> <p>5 is Paul Bernstorff. I don't know where in the 09:37</p> <p>6 ownership chain he is, but he's who I think of. 09:37</p> <p>7 Q. Do I understand that perhaps no one 09:38</p> <p>8 person at a tire company actually designs a 09:38</p> <p>9 tire. It's a team effort. 09:38</p> <p>10 A. It's been called that, yes. 09:38</p> <p>11 Q. But he's the head of that team? 09:38</p> <p>12 A. I don't know that he's the head of that 09:38</p> <p>13 team, no. I don't know that there's a team, 09:38</p> <p>14 per se. I just know I associate him with that 09:38</p> <p>15 line of tires being responsible. 09:38</p> <p>16 Q. How closely, if at all, have you worked 09:38</p> <p>17 with Paul Bernstorff since coming to the company? 09:38</p> <p>18 A. We're had occasion to meet in person and 09:38</p> <p>19 we've had occasion to talk on various topics. 09:38</p> <p>20 There's a lot of -- a lot of different projects 09:38</p> <p>21 we've interfaced with. 09:38</p> <p>22 Q. As a part of your occupation, your role 09:38</p> <p>23 with BATO, would you -- well, strike that. 09:38</p> <p>24 As a part of BATO, you would be 09:38</p> <p>25 responsible for supervising, say, the folks that 09:38</p> <p style="text-align: right;">Page 26</p>	<p>1 MR. SMITH: Well, there's four 09:40</p> <p>2 different sizes, also, Paul. Are you referring 09:40</p> <p>3 to all the sizes or are you referring just to 09:40</p> <p>4 the 295/75 R22.5? 09:40</p> <p>5 MR. KAPP: 295/75 22.5 load range G, 09:40</p> <p>6 that's what I'm talking about. 09:40</p> <p>7 BY MR. KAPP: 09:40</p> <p>8 Q. The 14 and the 16 ply R283 in the 295 09:40</p> <p>9 size. 09:40</p> <p>10 A. I'm sorry. I lost the question in that. 09:40</p> <p>11 Q. We got a little bit -- the R283 295/75 09:40</p> <p>12 22.5 in the 14 -- in the load range G for the 09:40</p> <p>13 14 ply and the load range H for the 16. 09:40</p> <p>14 A. Okay. The question again was -- I think 09:40</p> <p>15 I have the size now. 09:41</p> <p>16 Q. Yeah. You got the size now. 09:41</p> <p>17 MR. KAPP: Go back up to -- because 09:41</p> <p>18 I allowed myself to get a little -- 09:41</p> <p>19 MR. SMITH: The question, Paul, was 09:41</p> <p>20 do you know who designed any of the components. 09:41</p> <p>21 BY MR. KAPP: 09:41</p> <p>22 Q. Right. Do you know -- do you know who 09:41</p> <p>23 designed any of those components? 09:41</p> <p>24 A. Yeah. No, sir. 09:41</p> <p>25 Q. Okay. What kind of testing has your 09:41</p> <p style="text-align: right;">Page 28</p>
<p>1 might do field investigations if issues came up 09:38</p> <p>2 with a tire; is that correct? 09:39</p> <p>3 MR. SMITH: Objection to the form of 09:39</p> <p>4 the question. You can answer. 09:39</p> <p>5 THE WITNESS: I'm not directly 09:39</p> <p>6 responsible as their supervisor for our field 09:39</p> <p>7 engineers who would do those types of 09:39</p> <p>8 investigations. I'm only responsible for my 09:39</p> <p>9 team in Nashville. 09:39</p> <p>10 BY MR. KAPP: 09:39</p> <p>11 Q. Okay. Do the field engineers report to 09:39</p> <p>12 your team in Nashville? 09:39</p> <p>13 A. They do not. 09:39</p> <p>14 Q. Do you know who designed the inner 09:39</p> <p>15 liner -- inner liner of this tire? 09:39</p> <p>16 A. No, sir. 09:39</p> <p>17 Q. Do you know who designed or specced out 09:39</p> <p>18 any of the components of this tire? 09:39</p> <p>19 A. No, sir. 09:39</p> <p>20 MR. SMITH: I assume, Paul, by "this 09:39</p> <p>21 tire," you've been referring to the subject 09:39</p> <p>22 14 ply R283. 09:40</p> <p>23 MR. KAPP: Yeah. And actually, it's 09:40</p> <p>24 broader than that. Right now, it's the R283, 09:40</p> <p>25 both 14 and the 16 ply. 09:40</p> <p style="text-align: right;">Page 27</p>	<p>1 group performed on the R283s, the 14s or the 09:42</p> <p>2 16s, as we've been discussing? 09:42</p> <p>3 A. The testing my group would have performed 09:42</p> <p>4 would be to place those tires on fleets and then 09:42</p> <p>5 monitor those performance over time. 09:42</p> <p>6 Q. Okay. Now, since -- since these tires 09:42</p> <p>7 went into the market, there have been some 09:42</p> <p>8 issues that have come up that have caused BATO 09:42</p> <p>9 to conduct subsequent testing, correct? 09:42</p> <p>10 A. I'm not sure I understand. 09:42</p> <p>11 Q. Well, I mean, has -- has BATO conducted 09:42</p> <p>12 any testing on this tire line since it -- since 09:42</p> <p>13 it went into market beyond fleet testing? 09:42</p> <p>14 A. I believe there's been -- there are lots 09:42</p> <p>15 of routine tests that continue even on products 09:42</p> <p>16 that are introduced in the market. 09:43</p> <p>17 Q. Okay. Have there been -- there have been 09:43</p> <p>18 non-routine testing -- strike that. 09:43</p> <p>19 There has been non-routine testing of the 09:43</p> <p>20 R283 line of tires since it entered the market, 09:43</p> <p>21 though. Don't you agree? 09:43</p> <p>22 A. I believe that's accurate, yes, sir. 09:43</p> <p>23 Q. And there have been non-routine field 09:43</p> <p>24 investigations related to this R283 line of 09:43</p> <p>25 tires since it has come onto -- into the market. 09:43</p> <p style="text-align: right;">Page 29</p>

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<p>1 Don't you agree? 09:43</p> <p>2 A. No. I wouldn't call any of the field 09:43</p> <p>3 work we do non-routine. That's what we do, is 09:43</p> <p>4 field work. 09:43</p> <p>5 MR. KAPP: We can go off the record 09:44</p> <p>6 real quick while I try to find the record. 09:44</p> <p>7 THE VIDEOGRAPHER: We're going off 09:44</p> <p>8 record. The time is 9:44. 09:44</p> <p>9 (Brief break was observed.) 09:44</p> <p>10 THE VIDEOGRAPHER: We're back on the 09:51</p> <p>11 record. The time is 9:52. 09:52</p> <p>12 BY MR. KAPP: 09:52</p> <p>13 Q. All right, sir. We're back on the 09:52</p> <p>14 record. I had asked you if there were any 09:52</p> <p>15 non-routine field investigations conducted into 09:52</p> <p>16 the R283 and you had said no, there were none. 09:52</p> <p>17 I'm handing you Exhibit 351. 09:52</p> <p>18 MR. KLINE: Can I take a look at 09:52</p> <p>19 that when you have a chance, Colin? 09:52</p> <p>20 MR. SMITH: Sure. 09:52</p> <p>21 MR. KAPP: I would have brought -- I 09:52</p> <p>22 would have brought everybody copies, but getting 09:52</p> <p>23 3,000 documents to Nashville, Tennessee is not 09:52</p> <p>24 an easy undertaking. 09:52</p> <p>25 MR. KLINE: Okay. 09:53</p> <p style="text-align: right;">Page 30</p>	<p>1 Q. And what was the purpose of generating 09:53</p> <p>2 that e-mail? 09:54</p> <p>3 A. This e-mail is addressed to our regional 09:54</p> <p>4 field engineering team and it is specifically 09:54</p> <p>5 looking at getting some ideas from them about 09:54</p> <p>6 what field information we can get together 09:54</p> <p>7 relatively quickly. 09:54</p> <p>8 Q. Okay. Will you read into the record, 09:54</p> <p>9 sir, what you said to your field engineers in 09:54</p> <p>10 this e-mail of 10/13/2014. 09:54</p> <p>11 A. Sure. I'll read the text here. 09:54</p> <p>12 "RFEMs" -- which is regional field engineering 09:54</p> <p>13 managers -- "Our investigation into the R283 09:54</p> <p>14 continues and let me express that it continues 09:54</p> <p>15 in an increasingly urgent timeline. We're in 09:54</p> <p>16 need of field support. I would like to 09:54</p> <p>17 brainstorm with the team to understand how we 09:54</p> <p>18 can best utilize our field team to gather 09:54</p> <p>19 information relevant to the investigation. 09:54</p> <p>20 Examples of what kind of data we are looking to 09:55</p> <p>21 understand: What is the real difference between 09:55</p> <p>22 those fleets who have experienced issues with 09:55</p> <p>23 the R283 and those who have not? Is it really 09:55</p> <p>24 equipment? Is it really geography? Is it 09:55</p> <p>25 really speed? Is it really time at speed? Why 09:55</p> <p style="text-align: right;">Page 32</p>
<p>1 MS. SOLOMON: Do you want to read 09:53</p> <p>2 the Bates number, Paul? 09:53</p> <p>3 MR. KAPP: And that Bates 09:53</p> <p>4 1570035786. 09:53</p> <p>5 BY MR. KAPP: 09:53</p> <p>6 Q. If you would, who -- who generated that 09:53</p> <p>7 e-mail, sir? 09:53</p> <p>8 MR. SMITH: Just let me first object 09:53</p> <p>9 to the predicate of the question. 09:53</p> <p>10 MR. KAPP: I'm sorry? 09:53</p> <p>11 MR. SMITH: I'm objecting to the 09:53</p> <p>12 statement you made at the beginning of the 09:53</p> <p>13 question. 09:53</p> <p>14 THE WITNESS: I'm still reading it 09:53</p> <p>15 here. 09:53</p> <p>16 MR. KAPP: All right. 09:53</p> <p>17 MR. KLINE: That ends with 786, did 09:53</p> <p>18 you say, Paul? 09:53</p> <p>19 MR. KAPP: 5786. 09:53</p> <p>20 THE WITNESS: Okay. 09:53</p> <p>21 BY MR. KAPP: 09:53</p> <p>22 Q. Who -- who generated that e-mail? 09:53</p> <p>23 A. I did. This is from me. 09:53</p> <p>24 Q. Okay. And when did you generate it? 09:53</p> <p>25 A. It looks like October 13th, 2014. 09:53</p> <p style="text-align: right;">Page 31</p>	<p>1 is the incident rate of claims so high compared 09:55</p> <p>2 to adjustments? What are the real differences 09:55</p> <p>3 between the application today and that of two to 09:55</p> <p>4 three years ago? 09:55</p> <p>5 I am looking for input into field 09:55</p> <p>6 activities that you can all suggest and then 09:55</p> <p>7 support to gather relevant data quickly. I am 09:55</p> <p>8 looking to discuss how we can put in place an 09:55</p> <p>9 expedited process to investigate field 09:55</p> <p>10 complaints on this tire as we become aware of 09:55</p> <p>11 the complete. 09:55</p> <p>12 In short, I'm looking for your experience 09:55</p> <p>13 and expertise to help with this phase of the 09:55</p> <p>14 investigation. Thanks for your support and I 09:55</p> <p>15 look forward to this dialogue. James." 09:55</p> <p>16 Q. Okay. A couple of follow-up questions. 09:56</p> <p>17 Now, the R283 that you are discussing in this 09:56</p> <p>18 e-mail includes both the R283 Ecopia 14 ply, the 09:56</p> <p>19 type -- the type of tire that was involved in 09:56</p> <p>20 this accident. Do you agree? 09:56</p> <p>21 MR. SMITH: Objection to the form. 09:56</p> <p>22 THE WITNESS: No. This was for the 09:56</p> <p>23 16 ply investigation that we were doing. 09:56</p> <p>24 BY MR. KAPP: 09:56</p> <p>25 Q. So is it your testimony under oath, sir, 09:56</p> <p style="text-align: right;">Page 33</p>

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1	that you, through BATO -- strike that -- that	09:56	1	field people. That's true?	09:58
2	BATO through you and your field engineers were	09:56	2	A. Not explicitly in this letter.	09:58
3	only investigating the 16 ply tire, not the	09:56	3	Q. Now, let's just -- obviously, sir, I	09:59
4	14 ply tire? Is that your testimony, sir?	09:56	4	don't agree with your statement that this is	09:59
5	A. My testimony is this letter referring to	09:56	5	directed towards the 16 and we'll just agree to	09:59
6	the R283 investigation was at the time we were	09:56	6	disagree on that. But let's just take your	09:59
7	looking at the 16 ply. That's what it refers to	09:56	7	statement for face value that it is as to the	09:59
8	in terms of the rates of claims and so it was	09:56	8	16 ply. Would you agree that that would -- that	09:59
9	specific to 16 ply.	09:57	9	what you were engaging in was non-routine field	09:59
10	MR. KAPP: In Jim Fitzgerald's	09:57	10	investigation of the 16?	09:59
11	words, "mark that."	09:57	11	MR. SMITH: Objection to the form of	09:59
12	THE WITNESS: Do I mark it?	09:57	12	the question. Move to strike counsel's	09:59
13	MR. KLINE: No.	09:57	13	comments.	09:59
14	MR. SMITH: He's talking to the	09:57	14	MR. KLINE: I have to agree with	09:59
15	reporter.	09:57	15	that.	09:59
16	MR. KAPP: You don't -- you don't	09:57	16	MR. KAPP: I'll ask it a different	09:59
17	mark anything.	09:57	17	way.	09:59
18	MR. KLINE: I think I heard it from	09:57	18	BY MR. KAPP:	09:59
19	you before I heard it from Jim.	09:57	19	Q. Would you agree -- would you agree that	09:59
20	(Exhibit Number 351 was marked.)	09:57	20	the tasks that you were asking of your people on	09:59
21	BY MR. KAPP:	09:57	21	October 13th, 2014 in this e-mail, they were --	09:59
22	Q. There's nothing on this e-mail -- strike	09:57	22	they were non-routine?	09:59
23	that.	09:57	23	A. No. I would not agree with that.	09:59
24	There's nothing in this e-mail that	09:57	24	Q. Okay. Why was the -- why was the	09:59
25	conveys to your field team that the R283 -- your	09:57	25	investigation continuing in increasingly urgent	09:59
Page 34			Page 36		
1	investigation into the R283 was limited to the	09:57	1	timeline?	10:00
2	16 ply version of this tire. Don't you agree?	09:57	2	A. What I mean by that specifically is at	10:00
3	A. That's correct. There's nothing in this	09:57	3	this time, this was very early. The time frame	10:00
4	e-mail that says that.	09:57	4	I remember for the 16 ply was kind of that	10:00
5	Q. And, in fact, your field people were	09:57	5	September '14 to kind of the spring, summer of	10:00
6	looking at both the 14 and the 16s. Don't you	09:57	6	'15. That's kind of that window. And so since	10:00
7	agree?	09:58	7	we were early in it, the more information we	10:00
8	A. Well, the field team looks at all the	09:58	8	could get, the more quickly we could get it	10:00
9	tires. This e-mail was specific to the 16 ply.	09:58	9	helped us focus where we were going.	10:00
10	I can't tell you whether they, you know, went	09:58	10	Q. Okay. Why were you only interested in	10:00
11	out and took this and looked at things other	09:58	11	the 16 ply?	10:00
12	than the 16 ply, if that's what you're asking	09:58	12	A. That's the one that had the increased	10:00
13	me.	09:58	13	rate that was described in the e-mail.	10:00
14	Q. And you're saying that this e-mail only	09:58	14	Q. How would they know that if you didn't	10:00
15	pertained to the 16 ply, even though you don't	09:58	15	call out the 16 versus the 14 ply?	10:00
16	call out the 16 ply, because there was nothing	09:58	16	A. Well, I mentioned the -- I believe the	10:00
17	on BATO's radar to indicate that there was any	09:58	17	time frame we're really talking about was	10:00
18	sort of flagging concerns with the 14; is that	09:58	18	September and this is in October, so there --	10:00
19	correct?	09:58	19	there was some conversation going on about what	10:01
20	A. So this was written in October of 2014 --	09:58	20	we were looking at and why. Again, it's not	10:01
21	Q. Right.	09:58	21	explicit in here that it was 16 ply, but that	10:01
22	A. -- and the incident rate it's	09:58	22	was what I was relying on.	10:01
23	specifically talking about would have been the	09:58	23	Q. Okay. Well, we've been talking about	10:01
24	16 ply. That would have been my intent.	09:58	24	routine investigations. What would your	10:01
25	Q. Okay. But you didn't tell that to your	09:58	25	definition be of a non-routine investigation?	10:01
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10 (Pages 34 to 37)

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1	A. Specific to the field team or for who?	10:01	1	folks, what kind of documents do they generate?	10:03
2	Q. As to the field team.	10:01	2	A. So our fleet testing documentation,	10:03
3	A. So the -- the reason I'm calling it	10:01	3	there's a set of documents that are generated	10:04
4	non-routine is that's the field team's	10:01	4	around the logistics of the testing, what tests	10:04
5	responsibility, is when they hear of a	10:01	5	are going in on schedule, when they're ending,	10:04
6	complaint, they go out and they look into it.	10:01	6	whether the inspections are complete on time.	10:04
7	They investigate it. So that is a routine	10:01	7	There's also a series of documents that the	10:04
8	activity of theirs. Getting -- gathering data	10:01	8	field engineers generate that we track, which	10:04
9	on fleets, gathering data in this way, to me, is	10:01	9	are reports for when tests conclude, what their	10:04
10	routine. That's why I refer to it as routine.	10:01	10	belief is we've learned from the test, that type	10:04
11	Q. Well, if it was routine, wouldn't it --	10:01	11	of thing in the field testing.	10:04
12	wouldn't you be gathering information as to both	10:01	12	Q. Okay. What does the -- your other team,	10:04
13	the 14 and the 16 ply?	10:01	13	the ones that deals with warranty issues,	10:04
14	A. The field team responds to questions.	10:02	14	adjustments, claims, what kind of documents do	10:04
15	I've got a question of this. Can you go find	10:02	15	they generate?	10:04
16	it? I've got a question of that. Can you go	10:02	16	A. So they generate -- and, again, I'll use	10:04
17	find it? So specifically, if I ask them about	10:02	17	routine and non-routine to describe their work.	10:04
18	the 14 ply, they would have looked about the 14.	10:02	18	Routinely, they will generate documents that	10:04
19	If I asked them 16, they would have gone and	10:02	19	look at trends over time and statistics. And	10:04
20	looked at the 16.	10:02	20	early -- earlier we talked about statistics and	10:04
21	Q. Okay. And it's your testimony under oath	10:02	21	the engineers -- a large part of engineering is	10:04
22	that this e-mail -- what is it, exhibit what?	10:02	22	statistics. It's analysis.	10:05
23	A. Hang on. I should keep these on.	10:02	23	So they would generate those routine	10:05
24	Q. You probably should.	10:02	24	documents that we would share with the	10:05
25	A. This is -- this is marked Exhibit 351.	10:02	25	organization, the plant's quality team, the	10:05
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1	Q. Okay. And it's your testimony that, hey,	10:02	1	marketing team. And then non-routine documents	10:05
2	this is all about the 16, not about the 14; is	10:02	2	where if we were looking at a specific product	10:05
3	that correct?	10:02	3	or a specific event in time, they would generate	10:05
4	MR. SMITH: Objection to the form of	10:02	4	similar documents, but non-routine in that they	10:05
5	the question. Asked and answered. It's further	10:02	5	were focused on one product at that time.	10:05
6	argumentative. You can answer.	10:02	6	Q. Did your team generate non-routine	10:05
7	THE WITNESS: My intent when this	10:02	7	documents as a part of doing their work for BATO	10:05
8	was written would have been on the 16 ply.	10:02	8	in relationship to any of the R283 line?	10:05
9	BY MR. KAPP:	10:02	9	A. Yes.	10:05
10	Q. Okay. What kind of documents does your	10:02	10	Q. Okay. What kind of non-routine documents	10:05
11	office -- strike that.	10:03	11	were generated?	10:05
12	What -- what kind of documents does your	10:03	12	A. We would -- we would look, for instance,	10:05
13	department, or do they, generate?	10:03	13	at various snapshots in time, at the return	10:05
14	A. My department or my team specifically?	10:03	14	rates, the analysis of the return rates against	10:05
15	Q. Let's just take it -- let's talk about	10:03	15	the baseline. We would be generating documents	10:05
16	the -- the teams. And those teams would be your	10:03	16	that look at -- we actually created a new way to	10:06
17	field engineers; is that right?	10:03	17	look at the documents instead of what we call an	10:06
18	A. Well, my -- my teams are the people who	10:03	18	exposure chart. We found another way to look at	10:06
19	arrange and deal with the fleet testing	10:03	19	counts in production that was just a different	10:06
20	logistics and then the team that deals with then	10:03	20	visualization that would be non-routine.	10:06
21	analytics of the warranty and adjustment data.	10:03	21	Q. Is that -- and I interrupt you and I	10:06
22	So if we're speaking of my teams, there's	10:03	22	apologize, but I'll forget if we -- if I don't	10:06
23	various documents that we would create to share	10:03	23	stop you. Was that the first time you'd used	10:06
24	information throughout the company.	10:03	24	this process of -- to look at the data?	10:06
25	Q. The fleet team -- the fleet testing	10:03	25	A. The visualization I'm talking about,	10:06
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<p>1 yeah, it was the first time. We -- we have a 10:06</p> <p>2 new tool called Tableau, which is a different 10:06</p> <p>3 software tool we use to visualize. 10:06</p> <p>4 Q. Spell? 10:06</p> <p>5 A. T-A-B-L-E-A-U. 10:06</p> <p>6 Q. And did you purchase that or did you 10:06</p> <p>7 create it? 10:06</p> <p>8 A. Oh, no. It's a purchased software. 10:06</p> <p>9 Q. And you purchased it for your analysis of 10:06</p> <p>10 the R283? 10:06</p> <p>11 A. No. We purchased it for general 10:06</p> <p>12 analysis. Much like Excel, which is another 10:06</p> <p>13 version, this has a little more functionality 10:06</p> <p>14 and produces documents that have a little more 10:07</p> <p>15 visual appeal. 10:07</p> <p>16 Q. You used it for the first time in your 10:07</p> <p>17 analysis of the R283? 10:07</p> <p>18 A. No. We used Tableau prior to 283. 10:07</p> <p>19 Q. Okay. All right. What other non-routine 10:07</p> <p>20 documents were generated? 10:07</p> <p>21 A. Well, those are the ones I recall. 10:07</p> <p>22 Q. Okay. Now, we've got a -- we had an 10:07</p> <p>23 Excel spreadsheet provided to us in many, many, 10:07</p> <p>24 many different versions or dates. And it -- the 10:07</p> <p>25 most recent one that we have, the last entry is 10:07</p> <p style="text-align: right;">Page 42</p>	<p>1 A. When -- when we're -- when we're looking 10:09</p> <p>2 at information and doing investigations, 10:09</p> <p>3 spreadsheets are a very big part of that. 10:09</p> <p>4 Q. When did you first start inputting into 10:09</p> <p>5 the Excel spreadsheet that we're discussing, the 10:09</p> <p>6 4020 spreadsheet? 10:09</p> <p>7 A. I don't remember when we -- when I 10:09</p> <p>8 specifically -- I'm the one who created that 10:09</p> <p>9 document -- when I specifically created that for 10:09</p> <p>10 me to keep track of the information. I don't 10:10</p> <p>11 specifically recall the date. 10:10</p> <p>12 Q. Why did you create it? 10:10</p> <p>13 A. I created it to -- in one place, trying 10:10</p> <p>14 to put as much information as I knew of about 10:10</p> <p>15 the particular investigation. And then that 10:10</p> <p>16 document become a feeder for lots of other 10:10</p> <p>17 documents that would be the report outs from it, 10:10</p> <p>18 so it was really a -- an internal way just to 10:10</p> <p>19 keep everything in one place. 10:10</p> <p>20 Q. Okay. So it was the first document 10:10</p> <p>21 generated in the process? 10:10</p> <p>22 A. I don't know that it was the first 10:10</p> <p>23 document generated in the process, but I know it 10:10</p> <p>24 was -- that spreadsheet is what I -- what I 10:10</p> <p>25 created to keep track of the information that 10:10</p> <p style="text-align: right;">Page 44</p>
<p>1 in June of 2015. In any case, I -- here's a -- 10:08</p> <p>2 here is an expanded version of the Excel 10:08</p> <p>3 spreadsheet. Does this look at all familiar to 10:08</p> <p>4 you at all? 10:08</p> <p>5 A. Yes, sir. 10:08</p> <p>6 Q. Okay. And what do you -- what -- what is 10:08</p> <p>7 this document that I'm referring to that I have 10:08</p> <p>8 in my hand? It's been made an exhibit, but what 10:08</p> <p>9 is it? 10:08</p> <p>10 A. So that document is a spreadsheet that I 10:08</p> <p>11 was maintaining to gather information on this 10:08</p> <p>12 particular event, this particular investigation. 10:08</p> <p>13 Q. Okay. Does BATO routinely maintain 10:08</p> <p>14 documents of this type? And just for the 10:08</p> <p>15 record, when I say "documents of this type," I'm 10:08</p> <p>16 referring to of the type that -- of the style 10:08</p> <p>17 set forth in Document 1570004020. 10:08</p> <p>18 A. I don't know what that document is. Is 10:09</p> <p>19 that the document you're referring to? 10:09</p> <p>20 Q. It is. It's the -- the 4020 number is 10:09</p> <p>21 the most recent version of this spreadsheet that 10:09</p> <p>22 we have been provided. And what I'm asking you 10:09</p> <p>23 is, do you routinely maintain this kind of 10:09</p> <p>24 spreadsheet for a line of tires that you're -- 10:09</p> <p>25 that you're dealing with? 10:09</p> <p style="text-align: right;">Page 43</p>	<p>1 was moving around. 10:10</p> <p>2 Q. Right. And you -- did you pick an 10:10</p> <p>3 investigation team? 10:10</p> <p>4 A. Did I pick? No. There was no team, 10:10</p> <p>5 per se. 10:10</p> <p>6 Q. You're going to have to forgive me. 10:10</p> <p>7 There's -- this is a document intensive case for 10:11</p> <p>8 us and so it takes me a while to find it. 10:11</p> <p>9 Well -- and you're going to have to use mine. 10:11</p> <p>10 I'm sorry, sir. 10:11</p> <p>11 But in the 4020 document that we have 10:11</p> <p>12 been provided, at the bottom of it, it says 10:11</p> <p>13 "Investigation details incomplete." Did you 10:11</p> <p>14 write that language in? 10:11</p> <p>15 A. Yes, I did. 10:12</p> <p>16 Q. And the first entry is 1/1 of '14. 10:12</p> <p>17 A. New Year's Day of '14. 10:12</p> <p>18 Q. All right. And you're the one who 10:12</p> <p>19 inputted all this information; is that correct? 10:12</p> <p>20 A. Yes. Myself primarily. I had a couple 10:12</p> <p>21 of people who might have reviewed it with me, 10:12</p> <p>22 but I'm the owner of the document and the 10:12</p> <p>23 primary inputter to the document. 10:12</p> <p>24 Q. Okay. And you start talking about 10:12</p> <p>25 discussion and southeast manager meeting of 10:12</p> <p style="text-align: right;">Page 45</p>

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1	anything generated as part and parcel of that	10:20	1	16 ply version of the R283 in question. Do you	10:23
2	meeting?	10:20	2	agree?	10:23
3	A. I honestly don't know if we generated any	10:20	3	A. I believe it has select returns, claims,	10:23
4	as part of that meeting.	10:20	4	adjustments for the R283s.	10:23
5	Q. 9/29, you had another meeting of this	10:20	5	Q. Both the 14 and the 16?	10:23
6	team and as reported in your investigation	10:20	6	A. The 14 and the 16, as well as a couple	10:23
7	details, you had an update with Kozy, Bernstorf,	10:20	7	other sizes around there, yes.	10:23
8	Johnson, Palmer and yourself; is that correct?	10:20	8	Q. What do you mean by "select returns"?	10:23
9	A. Yes, sir.	10:21	9	A. We receive returns on product that are	10:23
10	Q. Kozy's a new name. Who is he or she?	10:21	10	all -- for all sorts of different reasons. This	10:24
11	MR. SMITH: Objection to the form of	10:21	11	spreadsheet doesn't capture the entire universe	10:24
12	the question. By the way, that's K-O-Z-Y.	10:21	12	of returns on the R283s of all those sizes. It	10:24
13	THE WITNESS: Jim Kozy is part of	10:21	13	only captures specific ones.	10:24
14	the ATC staff.	10:21	14	Q. What part of the universe does the 4020	10:24
15	BY MR. KAPP:	10:21	15	spreadsheet capture?	10:24
16	Q. Okay. And Johnson is your boss?	10:21	16	A. On that spreadsheet, I tried to capture	10:24
17	A. At the time, Dave Johnson is who that	10:21	17	the ones that were specific to returns that had	10:24
18	refers to. He was my boss.	10:21	18	to deal with the shoulder or the -- the side	10:24
19	Q. Okay. Is he -- he's obviously not your	10:21	19	wall, rather, or the tread of the tire.	10:24
20	boss anymore.	10:21	20	Q. Why did you choose to capture those?	10:24
21	A. That's correct, sir.	10:21	21	A. That was where our area of interest is.	10:24
22	Q. Okay. What is he to you now?	10:21	22	Q. Why was your area of interest there?	10:24
23	A. Besides my past boss, we don't have a	10:21	23	A. What do you mean by why was it there?	10:24
24	reporting relationship right now.	10:21	24	Q. Well, you're the one who said that you	10:24
25	Q. Okay. 9/30/2014, what happened then?	10:21	25	tried to capture areas of interest. My question	10:24
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1	A. It says here, "Update meeting with Cane,	10:21	1	is, why did you identify those kind of returns	10:24
2	Johnson, Turk, Palmer and Kiriazes.	10:21	2	as your area of interest?	10:24
3	Q. Same questions. Do you remember what you	10:21	3	A. Oh, okay. The return condition that was	10:24
4	discussed and were there any documents	10:21	4	specifically being looked at was a tread leaving	10:25
5	generated?	10:21	5	tread condition, and so I tried to capture	10:25
6	A. I do not specifically recall what we	10:21	6	anything that might be related to a tread	10:25
7	discussed or if we generated anything from this.	10:21	7	leaving tread condition. So that's why the	10:25
8	Q. 10/2/2014, what happened and what is	10:21	8	shoulder and the -- I'm sorry -- the side wall	10:25
9	reflected in your investigation detail of this	10:22	9	and the tread were the two areas of interest	10:25
10	Document 4020?	10:22	10	that I refined that to.	10:25
11	A. It says, update meeting with SE for sales	10:22	11	MR. SMITH: Excuse me for a minute,	10:25
12	engineering and ATC for Akron Technical Centers	10:22	12	Paul. Could you read back that answer for me,	10:25
13	for investigation details. And then it goes on	10:22	13	please?	10:25
14	to say that our next meeting is 10/13.	10:22	14	(Question was read back.)	10:25
15	Q. Okay. Question -- and we've only got the	10:22	15	MR. SMITH: I'm -- I'm sorry. I	10:25
16	document that ends at Bates Number 4020. Did	10:22	16	misspoke. I meant BLB, belt leaving belt, not	10:25
17	you continue to maintain this spreadsheet?	10:22	17	tread leaving tread.	10:26
18	A. That spreadsheet? Yes.	10:22	18	BY MR. KAPP:	10:26
19	Q. Yes. When was the last time you added to	10:22	19	Q. This is why I'm glad we have Colin here	10:26
20	it?	10:22	20	because you said tread leaving tread and I -- I	10:26
21	A. The last time I added to that spreadsheet	10:22	21	was thinking belt leaving belt. I heard it -- I	10:26
22	was last week.	10:22	22	heard it just the way you said it or you meant	10:26
23	Q. 4020, this spreadsheet maintains -- it's	10:22	23	it, even though you were using the wrong word.	10:26
24	basically got all of the -- all of the returns,	10:23	24	But okay.	10:26
25	claims and adjustments for both the 14 ply and	10:23	25	All right. So we've identified why.	10:26
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<p>1 Now, I do have to ask you, this 4020 10:26</p> <p>2 spreadsheet -- and I realize that now there are 10:26</p> <p>3 more versions of it, but, you know, the 4020 10:26</p> <p>4 spreadsheet that we have that ends in June 29th 10:26</p> <p>5 of 2015, I don't see that it -- that it -- it 10:26</p> <p>6 appears to relate to the R283 line of tires. 10:26</p> <p>7 Don't you agree? 10:26</p> <p>8 A. I think that spreadsheet captures the 10:26</p> <p>9 R283 in all the sizes, yeah. 10:26</p> <p>10 Q. Okay. Is it your testimony under oath, 10:26</p> <p>11 sir, that a -- that a tread leaving tread -- 10:27</p> <p>12 MS. SOLOMON: Belt leaving belt. 10:27</p> <p>13 MR. KAPP: Strike that. 10:27</p> <p>14 BY MR. KAPP: 10:27</p> <p>15 Q. Is it your testimony under oath, sir, 10:27</p> <p>16 that you, on behalf of BATO, routinely lead 10:27</p> <p>17 investigations of belt leaving belt conditions? 10:27</p> <p>18 A. Well, I didn't say I led the -- the 10:27</p> <p>19 investigation, and I'm not -- I'm not sure I 10:27</p> <p>20 understand that question. 10:27</p> <p>21 Q. Is it your testimony under -- under oath 10:27</p> <p>22 that you, as a part of your employment with BATO 10:27</p> <p>23 and whether or not you led it, routinely conduct 10:28</p> <p>24 investigations of belt leaving belt conditions 10:28</p> <p>25 in your tires? 10:28</p> <p style="text-align: right;">Page 58</p>	<p>1 condition was the focus of why we looked at 10:29</p> <p>2 this. 10:29</p> <p>3 BY MR. KAPP: 10:29</p> <p>4 Q. So the answer to my question is yes? 10:29</p> <p>5 MR. SMITH: Objection to the form of 10:29</p> <p>6 the question. It's been asked and answered. 10:29</p> <p>7 THE WITNESS: If you could repeat 10:29</p> <p>8 the question again, I'll make sure I'm accurate 10:29</p> <p>9 in my answer. 10:29</p> <p>10 MR. KAPP: Go ahead, Jennifer. 10:29</p> <p>11 MR. SMITH: Please read the answer 10:29</p> <p>12 back, too, when you read the question. 10:29</p> <p>13 (Question was read back.) 10:30</p> <p>14 THE WITNESS: Yeah. I don't think I 10:30</p> <p>15 can add to that. 10:30</p> <p>16 BY MR. KAPP: 10:30</p> <p>17 Q. Okay. Has your spreadsheet, your 40 -- 10:30</p> <p>18 what I call the 4020 spreadsheet, for lack of a 10:30</p> <p>19 better way to identify it -- 10:30</p> <p>20 A. Okay. 10:30</p> <p>21 Q. -- does it have additional entries under 10:30</p> <p>22 the, quote, investigation details section? 10:30</p> <p>23 A. Other than what's been printed there? 10:30</p> <p>24 Q. Right. 10:30</p> <p>25 A. If you printed the whole document, then 10:30</p> <p style="text-align: right;">Page 60</p>
<p>1 A. I think the best way for me to answer 10:28</p> <p>2 that is we look into all the warranty and 10:28</p> <p>3 returns. Some that -- may come back for various 10:28</p> <p>4 reasons, so if one comes back from -- with a 10:28</p> <p>5 belt leaving belt condition, that's something 10:28</p> <p>6 that my team looks at. We don't -- we don't 10:28</p> <p>7 have an investigation quote/unquote that goes 10:28</p> <p>8 into spreadsheets like this particular one, but 10:28</p> <p>9 they're all -- they're all analyzed in terms of 10:28</p> <p>10 statistics and the analysis that goes into that. 10:28</p> <p>11 Q. But this investigation was special enough 10:28</p> <p>12 to create this spreadsheet to keep you on track, 10:28</p> <p>13 correct? 10:28</p> <p>14 A. This investigation was special only in 10:28</p> <p>15 that there was a lot of information that I was 10:29</p> <p>16 trying to deal with, so I put it in one big 10:29</p> <p>17 spreadsheet. 10:29</p> <p>18 Q. And the -- and the information you were 10:29</p> <p>19 dealing with were returns of the R283 tire with 10:29</p> <p>20 belt leaving belt separations? 10:29</p> <p>21 MR. SMITH: Objection to the form of 10:29</p> <p>22 the question. Go ahead. 10:29</p> <p>23 THE WITNESS: Sure. So that was the 10:29</p> <p>24 condition that I spoke to about why we were 10:29</p> <p>25 limiting the tread and side wall, so that 10:29</p> <p style="text-align: right;">Page 59</p>	<p>1 that would be where that ends. 10:30</p> <p>2 Q. But what I want to know is, were there -- 10:30</p> <p>3 were there -- did meetings continue to take 10:30</p> <p>4 place after 10/2 of 2014 that were reported in 10:30</p> <p>5 the spreadsheet? 10:30</p> <p>6 A. There would have been meetings that have 10:30</p> <p>7 taken place. They're not reported on that 10:31</p> <p>8 spreadsheet. 10:31</p> <p>9 Q. Is the reason why you quit making entry 10:31</p> <p>10 of investigative details, is the reason you did 10:31</p> <p>11 that this lawsuit or litigation? 10:31</p> <p>12 A. Oh, no. I don't think this lawsuit came 10:31</p> <p>13 about, my recollection, until, what, the January 10:31</p> <p>14 of '15 time frame. So it just became 10:31</p> <p>15 inconvenient to try and list all the meetings in 10:31</p> <p>16 one place, so I stopped. That's the only reason 10:31</p> <p>17 I did that. 10:31</p> <p>18 Q. Okay. There's a section in here about 10:31</p> <p>19 fleets that are no longer using the tire or no 10:31</p> <p>20 longer taking these tires. Do you recall that? 10:32</p> <p>21 A. I'll have to see it to recall it 10:32</p> <p>22 specifically, but I do remember noting some 10:32</p> <p>23 comments from fleets. 10:32</p> <p>24 MS. SOLOMON: Can you read that? 10:32</p> <p>25 BY MR. KAPP: 10:32</p> <p style="text-align: right;">Page 61</p>

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1	claims?	03:15	1	16 ply investigation, but you're gathering data	03:17
2	A. So --	03:15	2	for the 14 and the 16?	03:17
3	MR. SMITH: Objection to the form of	03:15	3	A. This represents all the 283 data in this	03:17
4	the question.	03:15	4	size, 295/75 R22 and a half. I think we	03:17
5	THE WITNESS: Yeah. The word	03:15	5	established that earlier.	03:17
6	"uptick" there is one that I struggle with	03:15	6	Q. So what's a chart you think that I should	03:17
7	because from this table, you can't make that	03:15	7	look at that actually tells the story?	03:17
8	conclusion. You have to go to the exposure	03:15	8	A. So these exposure charts in the back --	03:17
9	chart where the actual statistical analysis is	03:15	9	let me give you one. And I believe this is the	03:17
10	run and look at those confidence limits to	03:15	10	same chart we already marked before. Okay.	03:18
11	understand whether it is statistically different	03:15	11	These are -- so this breaks out 14, 16, 14, 16.	03:18
12	or not.	03:15	12	This is very early, 12/1/2014. Oh, here it is.	03:18
13	BY MR. KAPP:	03:15	13	So if you look at 4052, that's the same	03:18
14	Q. Why do you depict the data in that form	03:15	14	chart we had marked earlier as Exhibit 354.	03:18
15	if it's of no relevance to you?	03:15	15	That is the exact same chart we colored on	03:18
16	MR. SMITH: Objection to the form.	03:15	16	previously. This is where that statistical	03:18
17	Misstates the testimony of the witness.	03:15	17	significance is of the most importance.	03:18
18	BY MR. KAPP:	03:15	18	Q. Okay. Explain to me why -- how it is	03:19
19	Q. Well, are you saying -- let me -- I'll	03:15	19	important, please.	03:19
20	retract that. Are you saying that these -- that	03:15	20	A. Well, again, in the upper right-hand	03:19
21	the graphs on 4031 and 4032 are of no	03:15	21	corner, this is what is really driving all of	03:19
22	informational value?	03:16	22	this chart's interpretation.	03:19
23	A. No. Again, they're meant to represent	03:16	23	Q. You're looking at 22 -- 22 million --	03:19
24	the timeline and in one place, be able to	03:16	24	A. Out of --	03:19
25	superimpose that production, be able to	03:16	25	Q. -- 187,288 tires; is that right?	03:19
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1	superimpose where the individual returns were	03:16	1	A. Yes. That's included in the baseline.	03:19
2	coming from so that, you know, we could do an	03:16	2	Q. Okay.	03:19
3	investigation just understanding how all those	03:16	3	A. And of those tires, all of the 295/75 R	03:19
4	pieces came together. It was a new tool we	03:16	4	22 and a half tire size, when we look at the	03:19
5	created.	03:16	5	baseline, it has a total rate of 122. The	03:19
6	Q. So you don't -- you really don't think	03:16	6	16 ply R283 Ecopia is the largest on that page	03:19
7	that there is an uptick in claims and returns	03:16	7	at 360 with a total of 91,604 produced.	03:19
8	for tires made after -- made the week of	03:16	8	The second highest is the tire it	03:19
9	January 17th after a spec change to the 14 and	03:16	9	replaced in the market, which was the R280	03:19
10	the 16 tire in the week before? Is that your	03:16	10	16 ply at 148. The third highest is the R280	03:19
11	testimony under oath, sir?	03:16	11	14 ply with two million tires. It had the most	03:20
12	A. So my testimony is these documents that	03:16	12	tires out of all of them at 48 incident rate.	03:20
13	were made as a part of the 16 ply investigation	03:16	13	And that was a whole decade earlier that that	03:20
14	that from this chart, the 31, 32 and the other	03:16	14	tire was running. And then the 14 ply Ecopia	03:20
15	similar charts -- you used the word "mountain."	03:17	15	R283, 540,000 produced had only 41, so it's well	03:20
16	I actually refer to them as mountain charts, as	03:17	16	below the baseline.	03:20
17	well.	03:17	17	Q. And you stopped gathering data in	03:20
18	These mountain charts don't give you	03:17	18	November of 2014 on these tires; isn't that	03:20
19	enough statistical information to draw a	03:17	19	correct?	03:20
20	conclusion to whether that is relevant or not	03:17	20	A. Oh, no. We continue to gather data every	03:20
21	statistically. These exposure charts at the	03:17	21	day, every tire that's ever presented back to	03:20
22	back is where that statistical determination is	03:17	22	us. You know, we go -- we really go out of our	03:20
23	made, so these visualizations on the mountain	03:17	23	way to try and make sure that tires that come	03:20
24	charts aren't statistical from that perspective.	03:17	24	back are understood and so any -- any piece of	03:20
25	Q. Okay. And once again, you mentioned the	03:17	25	that data is available to us.	03:20
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<p>1 Q. Let me see if I've got anything more to 03:20 2 ask about that document. Document 7428 -- it's 03:21 3 actually 1570037428. 03:22 4 MR. SMITH: Can I see that, please? 03:22 5 What exhibit number is this? 03:22 6 MR. KAPP: I don't know. I'm kind 03:22 7 of leaving it to you to keep the exhibits in 03:22 8 order. You do it better than me. You're more 03:22 9 reliable. 03:22 10 (Discussion off the record.) 03:22 11 (Exhibit Number 362 was marked.) 03:22 12 BY MR. KAPP: 03:22 13 Q. All right. And don't read that yet 03:23 14 because I'm taking you back one more time. 03:23 15 A. Okay. 03:23 16 Q. Go back to 361, please. Look at Page 03:23 17 4070. 03:23 18 A. I don't have a 4070. 03:23 19 Q. I think I've got a random document here. 03:24 20 I don't know where it came from, but it came 03:24 21 from the -- some of the 45,000 documents I've 03:24 22 gotten from the company in the past six months. 03:24 23 We used mine, I guess. It is Bates Stamp 03:24 24 4070 -- it's Bates Stamp 1570004070 and it's 03:24 25 Exhibit -- 03:24</p> <p style="text-align: right;">Page 214</p>	<p>1 A. I do not know personally. 03:25 2 Q. All right. 03:25 3 A. Okay. So in the center, we have account 03:25 4 and this is -- let's see. It doesn't say what 03:25 5 performance group, if anything, we're looking 03:26 6 at. It is adjustments. It is for looking 03:26 7 specifically at the 283, the 280, the 287, the 03:26 8 591 and the 507. And -- well, it doesn't state 03:26 9 it. Oh, it does. "TBR by plant for steer 03:26 10 select structural." 03:26 11 So the codes it's looking at would be 03:26 12 that side wall and tread codes, codes related to 03:26 13 those. And in this time frame from 2004, 03:26 14 January to 2014, October, there were 17 such 03:26 15 codes that were presented. 03:26 16 Q. Right. 03:26 17 A. Okay. 03:26 18 Q. And so if we look at the column, it's an 03:26 19 account by period of production. 03:26 20 A. Yes. 03:26 21 Q. You're looking at incidents and you're 03:26 22 basically grouping them in the month that the 03:26 23 tire was built. 03:27 24 A. It's actually the DOT week, yes. 03:27 25 Q. The DOT week. 03:27</p> <p style="text-align: right;">Page 216</p>
<p>1 MR. SMITH: Must be 363. 03:24 2 MR. KAPP: 363. 03:24 3 (Exhibit Number 363 was marked.) 03:24 4 BY MR. KAPP: 03:24 5 Q. What is that? Do you mind me crowding 03:24 6 you since -- 03:24 7 A. Oh, sure. That's fine. 03:24 8 Q. What is that? 03:24 9 A. So this is what we call a tire detail 03:25 10 report. 03:25 11 Q. All right. 03:25 12 A. There's a lot of different information on 03:25 13 it. Some we've already talked about a little 03:25 14 bit. So I'll draw your attention to the center 03:25 15 of the page because we talked about this before 03:25 16 where there's a -- in this particular case, it's 03:25 17 Warren County R283 Ecopia 14 ply. 03:25 18 Q. That's our tire? 03:25 19 A. That's the -- well, let me see. Is this 03:25 20 the 295/75 size? It doesn't specifically say 03:25 21 what size, so I cannot conclude that it is the 03:25 22 295/75 R22 and a half size. I can just tell you 03:25 23 it is 283 Ecopia 14 ply. It might be all sizes. 03:25 24 Q. Do you know if the Warren plant makes 03:25 25 anything other than the 295? 03:25</p> <p style="text-align: right;">Page 215</p>	<p>1 A. Well, these are production periods. 03:27 2 Q. Right. 03:27 3 A. So you'll see -- what this translates to 03:27 4 is this would be 2014/03. That would actually 03:27 5 be March of 2014. 03:27 6 Q. Right. 03:27 7 A. And then if there was one next to it, you 03:27 8 would see it would be four, which would be 03:27 9 April, and then next to it would be May. So one 03:27 10 column represents the whole month here. 03:27 11 Q. Okay. And that -- and that incident 03:27 12 count includes belt edge detachments, right? 03:27 13 A. It includes -- if you'd move your finger. 03:27 14 It looks like there are three belt edge 03:27 15 detachments. It looks like there are another 03:27 16 three belt leaving belt conditions, and it looks 03:27 17 like there is one BED overdeflection due to 03:27 18 loader inflation. And I believe that is belt 03:28 19 edge detachment, BED. 03:28 20 Q. These are all -- these are all conditions 03:28 21 which either are belt leaving belt -- belt 03:28 22 separations like what was experienced here or 03:28 23 which could lead to belt separations such as the 03:28 24 type experienced here, correct? 03:28 25 A. Well, if you'll -- if you look 03:28</p> <p style="text-align: right;">Page 217</p>

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<p>1 specifically at what they are, it describes 03:28 2 them. So this red one is a belt edge 03:28 3 detachment, but it's less than 50 percent of the 03:28 4 tread width. 03:28 5 Q. Okay. 03:28 6 A. The green one is a belt leaving belt with 03:28 7 greater than 50 percent of the tread width. 03:28 8 Q. Okay. 03:28 9 A. And this one here, this belt edge 03:28 10 detachment, it doesn't specify how much of the 03:28 11 tread width would be involved, whether it would 03:28 12 be a very small section or a large. 03:28 13 Q. So I'm going to mark with my yellow pen 03:28 14 the 03/2014. All right? 03:28 15 A. Okay. 03:28 16 Q. So that's data for the Warren plant? 03:29 17 A. This appears to be data specific to 03:29 18 Warren. That is correct. 03:29 19 Q. Now, I'm going to put a yellow finger 03:29 20 around that. 03:29 21 A. Okay. 03:29 22 Q. Does that appear to you to be 03:29 23 statistically significant as evidence of the 03:29 24 Warren plant having something either going on at 03:29 25 the plant or quality control, manufacturing, 03:29</p> <p style="text-align: right;">Page 218</p>	<p>1 leaving belt, tread leaving belt or BED 03:30 2 overdeflections, correct? You have zero, none. 03:30 3 A. Yeah. And if you look at the production, 03:31 4 we were producing well less than -- what does 03:31 5 that look like -- two, 3,000 tires a month. So 03:31 6 if I keep that the same percentage, I would 03:31 7 expect to see none. 03:31 8 Q. Okay. If we go to the highest point of 03:31 9 production, why don't you take and draw a line 03:31 10 on the production versus incident rate, PPM, 03:31 11 from the highest point of production down. 03:31 12 A. Okay. So it looks like the highest 03:31 13 production here would have been -- appears to be 03:31 14 September 2014. Do you want me to use this one 03:31 15 or that one? 03:31 16 Q. Use my yellow one. 03:31 17 A. So if I -- if I do it this way, 03:31 18 September 2014 -- I don't know. It looks like 03:31 19 maybe -- 03:31 20 Q. It looks like you went off a little bit. 03:31 21 A. I did go off a little at September like 03:31 22 right there. 03:31 23 Q. Yeah. Would you agree that at your 03:31 24 highest point of production, you didn't have 03:31 25 any? 03:31</p> <p style="text-align: right;">Page 220</p>
<p>1 such that you have a spike in these various 03:29 2 conditions for that month? 03:29 3 A. So you keep referring to that as a 03:29 4 spike -- 03:29 5 Q. Yeah. 03:29 6 A. -- but let's go down to this chart here. 03:29 7 It superimposes our production. 03:29 8 Q. Right. 03:29 9 A. So again, in that same period, it appears 03:29 10 that we had just shy of 30,000 tires produced 03:29 11 that month and of those 30,000 tires, six 03:30 12 individual came back. The previous -- let's go 03:30 13 here into what appears to be February. You'll 03:30 14 see that production was just under 20,000, so, 03:30 15 you know -- and then if you look at the months 03:30 16 even before that, it obviously trails down to 03:30 17 when the tire started. 03:30 18 Q. Okay. 03:30 19 A. So statistically, when we want to talk 03:30 20 statistical and spikes, we have to go back to 03:30 21 that exposure chart that actually looks at the 03:30 22 confidence intervals. 03:30 23 Q. But if we look at this, there are whole 03:30 24 periods from March of 2012 to the end of 2012 03:30 25 where there are no belt edge detachments, belt 03:30</p> <p style="text-align: right;">Page 219</p>	<p>1 A. My highest point of production, which was 03:31 2 September, is -- this chart was run in October. 03:31 3 I wouldn't have had any exposure in the market 03:32 4 yet to see any signal coming back. 03:32 5 Q. Okay. All right. Well, in May of -- 03:32 6 what was -- what was your production in March of 03:32 7 2014? 03:32 8 A. It looks like, like we said earlier, 03:32 9 something shy of 30,000, but something north of 03:32 10 25,000 per month. 03:32 11 Q. Okay. And you had -- 03:32 12 A. March you said. I'm sorry. Right? 03:32 13 Q. Right. And your incident rate for March 03:32 14 of 2014 at how many thousand? 03:32 15 A. That is -- let's just call it 28,000. 03:32 16 Q. 28,000. Your incident rate in March of 03:32 17 2014 at 28,000 units is 40,000 parts per 03:32 18 million, correct? 03:33 19 A. No. That's production billing. The 03:33 20 incident rate over here is less than 250. 03:33 21 Q. 250 parts per million. 03:33 22 A. It's less than -- 03:33 23 Q. All right. 03:33 24 A. -- that. It looks like it's 240. 03:33 25 Q. Okay. Well, let's go over to the next 03:33</p> <p style="text-align: right;">Page 221</p>

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1 **Q. Right.** 05:13
 2 A. The word "rapidly" I might not have used 05:13
 3 myself, but otherwise, I agree with that 05:13
 4 statement. 05:14
 5 **Q. Did this come out of your department?** 05:14
 6 A. Yes. I'm sure this came out of my group. 05:14
 7 **Q. Would have been something you would have** 05:14
 8 **read and had to have approved?** 05:14
 9 A. It would have been something that more 05:14
 10 than likely, I'd at least reviewed. Approval -- 05:14
 11 I wouldn't use the word "approved," but I would 05:14
 12 have at least reviewed it. 05:14
 13 **Q. The statement, "You have reason to** 05:14
 14 **believe that market conditions may have** 05:14
 15 **changed -- may have rapidly changed from those** 05:14
 16 **that which the tire was originally developed,"** 05:14
 17 **that's the same thing as saying that the** 05:14
 18 **designer of the tire missed the market** 05:14
 19 **expectation for performance of the tire in the** 05:14
 20 **real world. Don't you agree?** 05:14
 21 MR. SMITH: Objection to the form. 05:14
 22 THE WITNESS: No. I -- I don't 05:14
 23 think those state the same thing. 05:14
 24 BY MR. KAPP: 05:14
 25 **Q. Okay. Let's go to 0684. It's in the** 05:15

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1 **same document and it's under "Summary of current** 05:15
 2 **status." Do you agree?** 05:15
 3 A. It is in the same document and it is 05:15
 4 titled "Summary of current of status," yes. 05:15
 5 **Q. Okay. And there are three bullet points** 05:15
 6 **that summarize the current status of the** 05:15
 7 **situation when this -- when this document was** 05:15
 8 **created, which apparently was sometime in 2014,** 05:15
 9 **correct?** 05:15
 10 A. Yeah. I think we've agreed this document 05:15
 11 was likely created in 2014. 05:15
 12 **Q. Okay. One of the -- one of the summaries** 05:16
 13 **or current status summaries was that Bridgestone** 05:16
 14 **observed that customers were using the tire as** 05:16
 15 **intended in experiencing belt leaving belt** 05:16
 16 **issues. Did I read that -- did I paraphrase** 05:16
 17 **that correctly?** 05:16
 18 A. Well, you read it correctly. 05:16
 19 **Q. Okay. Do you agree with that finding --** 05:16
 20 A. I think -- 05:16
 21 **Q. -- that summary?** 05:16
 22 A. I think this observation at the time is 05:16
 23 accurate. And like I said, I think we found 05:16
 24 some additional information from some of our 05:16
 25 customers that the -- that what we originally 05:16

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1 heard from them might not have been so accurate, 05:16
 2 specifically on speed and weights. 05:16
 3 **Q. So you're telling me that this is not** 05:16
 4 **accurate to the extent that you have since found** 05:16
 5 **that, oh, your customers were abusing the** 05:16
 6 **product; is that correct?** 05:16
 7 A. I think what I said was when this was 05:16
 8 created, which we believe again is in sometime 05:16
 9 of 2014 in an ongoing investigation, we were 05:16
 10 stating our observation. And the observation at 05:17
 11 the time was what was being reported to us was 05:17
 12 exactly what's listed on this page. I do know 05:17
 13 of circumstance where what was reported to us 05:17
 14 turned out to not be factual, so that's what I'm 05:17
 15 saying. 05:17
 16 **Q. So is it your testimony that the reason** 05:17
 17 **that these 16s, at least -- if not the 14s, but** 05:17
 18 **the 16s, are failing or did fail, is good, old** 05:17
 19 **customer abuse, misuse?** 05:17
 20 MR. SMITH: Objection to the form of 05:17
 21 the question. 05:17
 22 THE WITNESS: I think you're using 05:17
 23 the term pretty broadly about all of the 05:17
 24 individual tires, but I do not know personally 05:17
 25 of any tire that we could attribute to something 05:17

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1 other than that on the 16 ply, which was -- you 05:17
 2 were talking specifically about. 05:17
 3 BY MR. KAPP: 05:17
 4 **Q. Did you just -- did you just tell me that** 05:17
 5 **every failure in the 16 is a result of customer** 05:17
 6 **use or abuse?** 05:18
 7 A. I said the ones I personally know about 05:18
 8 and the ones that are chronicled all have 05:18
 9 something related to that in their life or some 05:18
 10 of their life, more specifically. 05:18
 11 MR. KAPP: All right. Thank you. 05:18
 12 MR. SMITH: Anything else? 05:18
 13 MR. KAPP: I'm done. 05:18
 14 MR. KLINE: I have no questions. 05:18
 15 EXAMINATION 05:18
 16 BY MR. SMITH: 05:18
 17 **Q. I have just a couple for you,** 05:18
 18 **Mr. Kiriazes.** 05:18
 19 MR. KLINE: Michael, you're good, 05:18
 20 too? 05:18
 21 MR. MICHAEL FITZGERALD: I don't 05:18
 22 have any questions. 05:18
 23 BY MR. SMITH: 05:18
 24 **Q. I have just a couple for you,** 05:18
 25 **Mr. Kiriazes. There were on your spreadsheet** 05:18

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1 REPORTER'S CERTIFICATE

2 I certify that the witness in the
 3 foregoing deposition JAMES KIRIAZES, was by me
 4 duly sworn to testify in the within-entitled
 5 cause; that the said deposition was taken at the
 6 time and place therein named; that the testimony
 7 of said witness was reported by me, a Shorthand
 8 Reporter and Notary Public of the State of
 9 Tennessee authorized to administer oaths and
 10 affirmations, and said testimony, pages 6
 11 through 293 was thereafter transcribed into
 12 typewriting.

13 I further certify that I am not counsel
 14 or attorney for either or any of the parties to
 15 said deposition, nor in any way interested in
 16 the outcome of the cause named in said
 17 deposition. (SIGNATURE RESERVED)

18 IN WITNESS WHEREOF, I have hereunto
 19 set my hand the 5th Day of April, 2016.
 20
 21
 22
 23
 24

25 JENNIFER HAYNIE (License No. 403)
 My Commission Expires: 11/06/2017

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